THE

FOURTH REPORT

of the

NOVA SCOTIA
CRIMINAL INJURIES COMPENSATION BOARD

administering

THE COMPENSATION FOR VICTIMS OF CRIME ACT

for
the calendar year
January 1, 1984 to December 31, 1984

PERSONNEL

The Board, under the Attorney General, is responsible for the administration of the Act. During the calendar year, 1984, Mr. Robert H. Bruce, C.A. retired as Vice-Chairman; and Dr. Benson Auld, Board Member was made Vice-Chairman; and Mr. Michael Johnson, C.A. was appointed as a member of the Board.

Any two members of the Board, one of whom must be the Chairman or Vice-Chairman, constitute a quorum. Pursuant to the Act, authority is given to the Board for the appointment of secretaries and investigators. Miss Anna Sipos who was appointed Secretary-Clerk Reporter on May 1, 1981 retired during 1984, and Mrs. Judy Blois was appointed her successor. Mr. Keith Hall continues as investigator of the Board. The office is located at 1660 Hollis Street, Centennial Building, 10th Floor, Halifax, Nova Scotia, B3J 2V9.

COST-SHARING

Awards made under the Act are cost-shared between the Federal Government and the Government of the Province of Nova Scotia. The contribution by the Federal Government amounts to fifty percent of awards (net of any recoveries) to a maximum of ten cents per capita of the population of Nova Scotia.

PUBLIC AWARENESS

It continues to be the responsibility of the Board

to make the public aware of its existence and authority. Large posters, together with a supply of explanatory brochures, have been printed and are displayed in hospitals, police stations and other public institutions. The various police forces throughout the Province have been provided with information and have all been visited either by the Chairman or by Mr. Hall. The media has been most cooperative and there have been a number of newspaper articles, as well as appearances on television and radio. There seems to have been some success in this regard which, as mentioned above, is an ongoing responsibility. Although hearings of the Board are open to the public generally, there are exceptions, the principle one being that it is improper for the Board to admit the public where the person whose act or omission caused injury or death has not been charged with a criminal offence or, if charged, has not been convicted.

ADMINISTRATION AND ACTIVITY

During the calendar year, 122 applications were requested and of these, 76 were returned and processing was begun. Two were found to be ineligible on return. The Board held 85 hearings and awarded gross payments of $176,403.30.

Statistical records of cases considered by the Board and summaries of decisions are annexed hereto as Exhibits A and B.

Of the hearings conducted, 25 concerned females and 58 concerned male victims. It was known that 35 offenders had been drinking and 4 had not been drinking at or shortly before the time of injury. This information was not available for the remaining forty-four.

The breakdown according to age is as follows:

Under 19 years	-	13 applications
19 to 40 years	-	50 applications
41 to 65 years	-	15 applications
Over 65 years	-	5 applications

Seventeen of the hearings concerned thefts. The offender was identified in 69 cases and charged in 68 cases, and convictions were entered in 61 cases. Section 25 was applied in 11 instances, reducing or nullifying the award.

SUBROGATION

By Section 31(2), the Board is subject to all the rights of the person to whom payment is made under the Act to recover damages by civil proceedings in respect of the injury and may maintain an action in the name of such person.

The typical offender within those cases is not a person of much affluence. Following its usual procedure, the Board has been able to recover $1,877.00 or 1%. The Board continues to assess its opportunities of recovery.

GENERAL

A considerably increased number of cases presented to the Board has provided it with a wider range of causes of injury. Of particular concern have been rape cases and cases of sexual assault on very young children. It is most difficult to arrive at a satisfactory figure for compensation by way of pain and suffering in this type of case. The Board has access to determinations made by other Boards, particularly the Board for the Province of Ontario. These determinations have been a valuable source of guidance.

The Board is required by Section 5(1) of the Compensation for Victims of Crime Act, the same being Chapter 8 of the Statutes of Nova Scotia for the year 1975, to report on its transactions during the preceding year.

LEGISLATION

The legislation under which the Board functions is the Compensation for Victims of Crime Act as set forth above. The Act came into force in Nova Scotia on the 12th day of May, 1981. By this Act the Board is required, upon application, when, in the Province of Nova Scotia, any person is injured or killed by an act or omission by any other person occurring or resulting from the commission of any of the offences set forth in the Schedule of the Act, to provide compensation to the victim, the person responsible for the maintenance of the victim or, where the death of the victim has resulted, the victim's dependents. The Board is limited in the compensation award to the amount of a lump sum payment of $15,000.00 or, in the case of periodic payments of $500.00 per month and cannot pay any account for damages which totals less than $250.00. There is a limitation period of one year which may be waived in certain circumstances. The Board can concern itself only with offences which took place after the date the Act came into force. Having made payments, the Board is subrogated to all the rights of the person to whom payment is made. The Board is required to consider the conduct of the victim if it in any way contributed directly or indirectly to his injury, or if he was uncooperative. "Injury" means bodily harm, mental or nervous shock, pain and suffering.

The Board has, in an increasing number of cases, applied the restrictions set forth in Section 25 of the Act, which require that the Board shall look at any contribution made to his own injury by a victim. In these instances it has been the policy of the Board to consider the character and way of life of the victim prior to his injury if he has an extensive criminal record. The Board has cut back compensation or refused to compensate victims who have not co-operated with authorities, and particularly those who have failed to report themselves as victims of a criminal activity or to attend criminal trials or Board hearings.

The Board acknowledges a debt of gratitude to all court officials, police forces, hospitals, doctors, and legal counsel involved in the presentation of the matters for its consideration. The police forces of the Province have been particularly co-operative in providing reports which are of very great value to the Board. Without those reports, much costly investigative procedure would be necessary. Reports requested from hospitals and court officials have been promptly received in all instances. Doctors reports are particularly essential, and the Board acknowledges with appreciation the fact that skilled physicians frequently provide to the Board detailed reports at very reasonable fees. All counsel appearing before the Board seem well acquainted with their client's affairs and the jurisdiction of the Board.

EXHIBIT A

1984 Statistics

Applications Requested		122
Applications Returned		76
Applications Ineligible		2
Applications Withdrawn		5
Hearings Completed		79
Hearings Not Completed		6
Awards by Consent		4
Review under Section 22		2
Gross Payment		$176,403.30
Average Award		$ 2,125.34
Out of 83 Applications	Female	25
	Male	58
Out of 83 Offenders		
Had been drinking	Yes	35
	No	4
	Unknown	44
Age of Victim	Under 19	13
	Age 19 to 40	50
	Age 41 to 65	15
	Over 65	5
Theft Related	Yes	17
	No	60
	Unknown	2
Offender	Identified	69
	Charged	68
	Convicted	61
	Unknown	7
Section 25 Applied	11 Applications	
Recovery		$ 1,877.00

EXHIBIT B

SUMMARY OF DECISIONS

January 1, 1984 to December 31, 1984

5/82-67 - The applicant applied for a review under Section 22 of the Statute. He claimed loss of wages and pain and suffering due to further surgery to his eye stemming from the original assault. The Board made an award of $1,644.20 (Pain and Suffering nil)

9/82-116 - A male, equipment operator, 43 years of age was beaten by a neighbour and suffered a fractured zygoma and subsequent loss of wages. The assailant was charged with assault causing bodily harm and sentenced to 14 days imprisonment and six months probation. The applicant took action against the assailant before the Provincial Small Claims Court concurrently filing an application with the Criminal Injuries Compensation Board. He was awarded $1,906. in damages. The assailant appealed to a County Court Judge, and the appeal was dismissed. The judgement was not satisfied. The Board accepted the victim's claim and awarded $2,942.00. (Pain and Suffering $100.00)

11/82-126
11/82-127 - The applicants, sister and brother, ages 22 and 15 respectively, applied to the Board as a result of the murder of their mother by their father. The sister suffered from a disability, and they applied as dependants of their mother and as victims. The assailant was convicted of second degree murder contrary to Section 218(1) of the Criminal Code

and was sentenced to life imprisonment. The Board awarded a lump sum of $12,600.00 and periodic payments of $200.00 a month to the sister, and a lump sum of $9,800.00 and periodic payments of $200.00 a month to the brother.
(Pain and Suffering $7,000.00 and $7,000.00 respectively)

12/82-141 - An unemployed male, 21 years of age, was stabbed in the chest and underwent a life-threatening situation. He suffered as a result of his disability affecting his capacity to work. While the applicant was at the time of the injury under the influence of alcohol and does have a previous criminal record, it was apparent from a review of the evidence given at the hearing that the applicant did not contribute in any way to his injury. The assailant was charged and convicted of attempted murder contrary to Section 222 of the Criminal Code. Total award $4,275.00 (Pain and Suffering $2,000.00)

1/83-170 - An unemployed male, 36 years of age, was shot and suffered a life-threatening situation. The assailant was originally charged with attempted murder contrary to Section 222 of the Criminal Code, but he was found not guilty of this offence. However, he was found guilty of the offence of assault occasioning bodily harm contrary to Section 245.2 of the Criminal Code and for unlawfully using a firearm contrary to Section 83.1(a) of the Criminal Code. He was sentenced to two years imprisonment under Section 245.2 and one year imprisonment under Section 83.1(a) to be served consecutively. The Board determined, had the applicant not been drinking to excess, the incident may not have occurred; therefore, the Board considered that the applicant contributed to his

1/84-303 - A male, 36 years of age, was beaten and suffered a compound depressed skull fracture. The assailant was convicted of an offence contrary to Section 245(2) of the Criminal Code and sentenced to 90 days on weekends and two years probation together with an order which prohibited him from having ammunition or firearms for five years. Total award $4,400.00 (Pain and Suffering $4,000.00)

2/84-306 - A male, 33 years of age, was beaten in a night club and suffered dental damage. The assailant was not apprehended. Total award $2,671.00 (Pain and Suffering $500.00)

2/84-310 - A male, police officer, 23 years of age, was beaten and suffered a fractured nose and loss of wages. The assailant was convicted of an offence contrary to Section 245(1)(b) of the Criminal Code and was sentenced to eight months and two years probation. Total award $1,092.91 (Pain and Suffering $1,000.00)

3/84-312 - A male, taxi driver, 28 years of age, was beaten and suffered pain, damage to his left knee and loss of wages. The assailant was convicted of an offence contrary to Section 245(1)(b) of the Criminal Code and sentenced to one day in jail and fined $250. or 20 days imprisonment.
Total award $3,065.00 (Pain and Suffering $500.00)

3/84-313 - A male, pipe fitter, 34 years of age, was beaten and suffered a fractured nose and loss of wages. The assailant was convicted of an offence contrary to Section 241(1)(b) of the Criminal Code and sentenced to 21 days imprisonment.
Total award $750.00 (Pain and Suffering $300.00)

injury to the extent of 50%. Total award $1,575.00 (Pain and Suffering $1,500.00)

1/83-174 - An unemployed female, 28 years of age, was beaten, stabbed, and suffered a life-threatening situation. The assailant was convicted of an offence of wounding with intent contrary to Section 228(a) of the Criminal Code and was sentenced to one year imprisonment. The Board was of the opinion that the applicant had been drinking heavily and was responsible for her own injury to the extent of 60%. Total award $4,988.50 (Pain and Suffering $3,200.00)

8/83-197 - A school boy, 15 years of age, was beaten and suffered the loss of two teeth. The assailant was convicted of an offence contrary to Section 245.1(1)(b) of the Criminal Code and sentenced to a one year probation. Total award $906.00 (Pain and Suffering $500.00)

4/83-211 - A married, female clerk, 25 years of age, was beaten and suffered two chipped teeth, a black eye, a bruised and scraped knee, a laceration to her cheek and other bruises. She was pregnant at the time of the incident and suffered severe trauma while completing her pregnancy; however, the baby was born healthy. The assailant was convicted of assault causing bodily harm contrary to Section 245(2) of the Criminal Code and was sentenced to two years probation.
Total award $1,550.00 (Pain and Suffering $1,200.00)

4/83-212 - An unemployed male, 26 years of age, was assaulted with a beer glass at a tavern and suffered three cuts to his face which required nine sutures. The assailant was convicted

of an offence contrary to Section 245.1(1)(b) of the Criminal Code. Total award $468.00 (Pain and Suffering $200.00)

5/83-220 - A male, 27 years of age, was hit in the eye, and his glasses were broken while in a Halifax restaurant. He suffered lacerations to his right eye. The assailant escaped and has not been apprehended. The applicant resides in Vancouver, B.C.; and, therefore, the matter was disposed of by consent. Total award $1,399.63 (Pain and Suffering $1,000.00)

5/83-227 - An unemployed male, 47 years of age, was beaten and suffered substantial damage to his right eye. The assailants were charged with the offence of assault causing bodily harm contrary to Section 245 of the Criminal Code, convicted, and one sentenced to 18 months imprisonment and the other fined $2,000.00. Total award $6,932.00 (Pain and Suffering $5,000.00)

5/83-228 - An employed male, 21 years of age, was beaten and suffered permanent damage to the knee joint, the assailant was charged with an offence contrary to Section 245(3) of the Criminal Code and was convicted, and ordered to pay a fine of $500.00. Total award $6,411.00 (Pain and Suffering $4,000.00)

5/83-234 - An employed male, 26 years of age, was beaten and suffered fractures to his right elbow and right wrist, facial injuries, and leg injuries. He had suffered previously from a complicated injury to his right elbow due to a car accident and had had eight operations. Three of the assailants were charged with assault causing bodily harm contrary to Section 245.1(1)(b) of the Criminal Code, and two with common

9/83-264 - A male painting contractor, 24 years of age, was stabbed and suffered a life-threatening situation due to a laceration to his throat which severed an artery and for which he was operated on. He also suffered loss of wages. It was the opinion of the Board that the applicant contributed to some extent to his own misfortune because of his heavy drinking. Therefore, the compensation awarded was reduced by one-third pursuant to Section 25. The assailant was convicted of an offence contrary to Section 245(2)(1) of the Criminal Code and was sentenced to two years imprisonment and one year of probation to follow. Total award $3,727.33 (Pain and Suffering $666.67)

9/83-268 - An employed male, 55 years of age, was beaten and robbed of his wallet. He suffered a swollen right eye, and bruises to his right leg and left elbow. The assailant was not apprehended. Total award $375.00 (Pain and Suffering $200.00)

9/83-269 - A female student, 19 years of age, was beaten and suffered abrasions to both arms and rib cage, a fractured nose, and bruised scalp. The assailant was convicted of an offence contrary to Section 245(2)(a) of the Criminal Code and was sentenced to six months imprisonment.
Total award $1,755.00 (Pain and Suffering $1,500.00)

9/83-270 - A male police officer was struck in the face while making a lawful arrest. He suffered a fracture of the zygoma which required an operation.

assault. All but one were convicted. Total award $15,000.00 (Pain and Suffering $5,000.00)

5/83-236 - A divorced female, 56 years of age, was robbed and was dragged several feet while holding on to her handbag. She suffered a broken left hip. The assailant was charged and convicted of robbery contrary to Section 303 of the Criminal Code and sentenced to 30 months imprisonment. Total award $4,330.00 (Pain and Suffering $4,000.00)

6/83-240 - A male, 75 years of age, was beaten, robbed, and suffered lacerations, contusions, and subsequent emotional trauma. One of the assailants was convicted of robbery with violence contrary to Section 303 of the Criminal Code and sentenced to three years imprisonment. Two other men were charged with the same offence but were not convicted as it was impossible to identify the other assailants to the satisfaction of the Court. Total award $1,113.00 (Pain and Suffering $1,000.00)

6/83-246 - A female, 13 years of age, was sexually assaulted and suffered emotional trauma. The incident occurred while the applicant was hitchhiking and was picked up by a man who drove her to an isolated area where four men sexually assaulted her. The assailants were convicted of unlawfully having sexual intercourse with a person under 14 years of age contrary to Section 146.1 of the Criminal Code and were sentenced to five and six years imprisonment. Total award $6,505.09 (Pain and Suffering $5,500.00)

7/83-252 - An employed male, 37 years of age, was beaten and suffered fracture of the nasal bones, contusion in the region of the left eyebrow as well as loss of wages. One of the assailants was charged with assault causing bodily harm contrary to Section 245(1)(b) of the Criminal Code and was convicted by judge and jury and sentenced to three months imprisonment and one year probation. The other two accused elected trial before a provincial judge who determined that the matter concerned a drunken brawl and dismissed both of them. The Board made the decision to reduce the total claim by one-third having regard to the provisions of Section 25.

Total award $4,275.00 (Pain and Suffering $333.33)

7/83-253 - An employed male, 23 years of age, was beaten and suffered a broken jaw and loss of wages. The assailant was convicted of the offence of assault causing bodily harm contrary to Section 245.1(1)(b) of the Criminal Code and sentenced to pay a fine of $500.00 and placed on two years probation. Total award $1,762.98 (Pain and Suffering $1,000.00)

7/83-255 - A female babysitter, 16 years of age, was assaulted and suffered bruising around her scalp and over the right shoulder; she also suffered emotional trauma as a result of the incident. The assailant, who was her employer at the time, was charged with illegal confinement an offence contrary to Section 247(2) of the Criminal Code. Total award $475.00 (Pain and Suffering $350.00)

The assailant was acquitted of the offence of assault causing bodily harm by judge and jury. Because of the evidence presented to it, the Board found the applicant was a person injured by the act of another which resulted from a lawful arrest and thus eligible for compensation. Total award $1,943.24 (Pain and Suffering $1,200.00)

10/83-273 - An unemployed male, 25 years of age, was beaten and suffered dental damage as a result of the altercation. The assailant was convicted of an offence contrary to Section 245(1)(b) of the Criminal Code and sentenced to four months imprisonment. Total award $716.00 (Pain and Suffering $300.00)

10/83-274 - A male, 20 years of age, was beaten and suffered dental damage as a result of the altercation. The assailant was convicted of an offence contrary to Section 245(3) of the Criminal Code and was fined $200.00.
Total award $1,544.28 (Pain and Suffering $700.00)

10/83-276 - An unemployed female, 23 years of age, was beaten and suffered multiple bruises and dental damage. The assailant was convicted of an offence contrary to Section 245(2) of the Criminal Code and was fined $400.00. Total award $1,350.75 (Pain and Suffering $500.00)

10/83-279 - The applicant, a school girl, 15 years of age, was beaten and suffered dental damage. As a result of the altercation, it was necessary for the applicant to travel for dental work and to hire a tutor. The assailant was another school mate, who was convicted of an offence contrary to Section 245(2)(b) of the Criminal Code, and received a

suspended sentence, six months probation and 75 hours of community service work. Total award $730.00 (Pain and Suffering $500.00)

10/83-280 - An employed male, 27 years of age, was beaten and suffered severe damage to his left eye and loss of wages. The assailant was convicted of an offence contrary to Section 245.1(b) of the Criminal Code and sentenced to a term of eight months imprisonment. Total award $8,210.87 (Pain and Suffering $6,500.00)

11/83-282 - A male, 17 years of age, was beaten and suffered dental damage. The assailant was convicted of an offence contrary to Section 245 of the Criminal Code and was fined $150.00. Total award $2,025.19 (Pain and Suffering $350.00)

11/83-283 - An employed male, 41 years of age, was beaten and suffered a broken nose which required surgery and loss of wages. The assailant was convicted of an offence contrary to Section 245.1(1)(b) of the Criminal Code and sentenced to one day in jail, placed on probation for two years, and fined $500.00. Total award $1.352.85 (Pain and Suffering $500.00)

11/83-289 - A male, 22 years of age, was beaten and suffered a long laceration on the left side of his face. The assailant was convicted of an offence contrary to Section 245.1(1)(b) of the Criminal Code and ordered to pay a fine of $500.00. Because the applicant had been drinking heavily, the Board determined that he had contributed to his own injury to the extent of 50%, and the award was reduced accordingly. Total award $259.50 (Pain and Suffering $200.00)

12/83-292 - The application in this matter was filed by the nephew and executor of a victim who had been murdered. As executor, he was applying for payment of funeral expenses incurred by him on behalf of the estate of the victim. The assailant was convicted of an offence contrary to Section 218(1) of the Criminal Code and sentenced to life imprisonment. This application was settled by consent.
Total award $1,480.00

12/83-293 - A male, 17 years of age, was beaten and suffered a fractured nose and loss of wages. The assailant was convicted of an offence contrary to Section 245 of the Criminal Code and placed on probation for one year. Total award $635.10 (Pain and Suffering $500.00)

12/83-294 - A male police officer, 27 years of age, was involved in a shooting incident and suffered emotional trauma. The assailant was convicted of an offence contrary to Section 222 of the Criminal Code and sentenced to seven years imprisonment. Total award $2,450.00 (Pain and Suffering $2,000.00)

1/84-298 - A single, unemployed male, 50 years of age, was beaten and suffered lacerations to the upper lip, swelling of the right malar protusion, and a broken denture. The assailant was convicted of assault causing bodily harm and sentenced to six months imprisonment. Total award $550.00 (Pain and Suffering $300.00)

3/84-314 - An employed male, 26 years of age, was beaten and suffered facial bruising and lacerations over the right eye and fingers of the right hand. The assailant was not apprehended. Total award $563.00 (Pain and Suffering $500.00)

3/84-317 - An employed female, 24 years of age, was assaulted with intent to rob and suffered a whiplash type of injury. The assailant was convicted of attempted robbery and sentenced to 22 months imprisonment. Total award $1,666.80 (Pain and Suffering $750.00)

3/84-319 - An employed female, 25 years of age, was beaten and suffered soft tissue injury to her right shoulder, black eyes, facial bruising and loss of wages. The assailant was convicted of an offence contrary to Section 245.1(1)(b) of the Criminal Code and fined $250.00. Total award $735.00 (Pain and Suffering $250.00)

3/84-321 - An employed male, 34 years of age, was beaten and suffered serious damage to his right arm and loss of wages. The assailant was convicted of an offence contrary to Section 245.1(1)(b) of the Criminal Code and fined $500.00 and was placed on probation for two years. Total award $3,940.28 (Pain and Suffering $1,250.00)

3/84-322 - A male, 29 years of age, was beaten in a drinking establishment and suffered welts, bruising, soreness, and loss of wages. The assailant was charged with offences contrary to Sections 245(b) and 171(a)(i) of the Criminal Code. The charge under Section 245(b) was dropped and the assailant was fined $200.00 or serve one month in default under Section

of plea bargaining, the assailant was convicted of an offence contrary to Sections 89(1) and 85 and was fined $200.00 and $1,000.00 respectively and was prohibited the possession of a weapon. The Board is of the opinion that the offence of robbery was committed contrary to Section 303 of the Criminal Code. Total award $1,450.00 (Pain and Suffering $750.00)

5/84-340 - An employed male, 29 years of age, was beaten, robbed, and suffered dental damage, facial lacerations and swelling, a fracture of the left nasal bone, and abrasions to the right knee. The assailants were not apprehended. Total award $985.00 (Pain and Suffering $500.00)

6/84-345 - The application was made as the result of expenses incurred by the Executor of the Estate of an 82 year old lady who had been beaten and killed. The assailant was convicted of second-degree murder and was sentenced to life imprisonment. Totat award $4,250.00

6/84-346 - The applicant in this matter is a widower, 83 years of age, whose wife had been murdered. He had been beaten and suffered severe lacerations to the scalp and numerous body bruises. The assailant was not convicted of assault causing bodily harm as he had been convicted of second-degree murder of the applicant's wife, and any additional sentence would have run concurrent to his life sentence. The Board awarded the sum of $3,047.00 which represented periodic payments and periodic payments of $400.00 per month commencing January 1, 1985.

171(a)(i). Because of evidence presented to it, the Board was of the opinion that the offence of assault had been committed and thus a proper matter for payment of compensation.
Total award $505.00 (Pain and Suffering $250.00)

4/84-324 - A male, 62 years of age, was assaulted by means of setting him on fire with stove oil and the applicant suffered first, second, and third degree burns. The assailant was convicted of an offence contrary to Section 245.2(2) of the Criminal Code and was placed on probation for one year. Because the applicant had been drinking heavily, the award for pain and suffering was reduced to the extent of 50%.
Total award $2,180.00 (Pain and Suffering $2,000.00)

4/84-327 - An employed male, 23 years of age, was beaten and suffered dental damage and loss of wages. The assailant was convicted of an offence contrary to Section 245.1(1)(b) of the Criminal Code and ordered to serve one year probation and was fined $750.00. Total award $1,245.00 (Pain and Suffering $400.00)

4/84-328 - A school girl, 14½ years of age, was sexually assaulted and suffered emotional trauma. The assailant was convicted of an offence contrary to Section 146.1(b) of the Criminal Code and sentenced to four months imprisonment and one year probation. Total award $1,525.00 (Pain and Suffering $1,500.00)

5/84-331 - An unemployed male, 27 years of age, was stabbed and suffered as a result of the injury. The assailant was convicted of an offence contrary to Section 245.2(2) of the Criminal Code and was sentenced to six months imprisonment.
Total award $400.00 (Pain and Suffering $300.00)

5/84-332 - A male, bank clerk, 22 years of age, was beaten and suffered bruising to his right eye lid, interior chest wall, ribs and bruising and swelling to the groin area. The assailant was convicted of an offence contrary to Section 245.1(1)(b) of the Criminal Code and received a suspended sentence of two years with probation. Total award $250.70 (Pain and Suffering $400.00)

5/84-335 - A male, police officer, 62 years of age, was beaten and suffered fractured nasal bones and loss of wages. The assailant was convicted of an offence contrary to Section 246(1)(a) of the Criminal Code and was sentenced to five months imprisonment. Total award $490.00 (Pain and Suffering $300.00)

5/84-336 - A male, coal miner, 47 years of age, was beaten and suffered a broken left hand and loss of wages. The assailant was convicted of an offence contrary to Section 245.3 of the Criminal Code and was fined $250.00 and costs of $3.00.
Total award $2,685.00 (Pain and Suffering $850.00)

5/84-339 - An employed female, 27 years of age, was threatened along with her family by an assailant in possession of a firearm and suffered emotional trauma and loss of wages. Because

6/84-347 - An unemployed male, 26 years of age, was beaten and suffered damage to the spleen and pancreas which resulted in a splenectomy and further complications regarding the pancreas. The assailant was convicted of an offence contrary to Section 245.1(1)(b) of the Criminal Code and was sentenced to three years imprisonment. Total award $6,125.00 (Pain and Suffering $6,000.00)

6/84-349 - An unemployed female, 28 years of age, was sexually assaulted and suffered emotional trauma as a result. The assailant was convicted of an offence contrary to Section 246.2(c) of the Criminal Code and was sentenced to five years imprisonment. Total award $4,619.00 (Pain and Suffering $4,500.00)

6/84-351 - The applicant in this matter was separated from his wife and was a resident of Alberta. He applied to the Board because of expenses incurred as a result of the murder of his daughter. The child's mother and her male companion were charged with second-degree murder, an offence contrary to Section 218(1) of the Criminal Code. The male assailant was convicted of manslaughter, and the mother was acquitted. The matter was settled by consent. Total award $2,000.00

7/84-357 - A male, heavy equipment operator and waterfront worker was beaten and suffered a sprained acromioclavicular joint and a fractured nose. The assailants have not been apprehended. The victim and his companion were charged with the offence of creating a disturbance but later acquitted. The Board found the applicant to have been the victim of an

assault. Total award $1,280.00 (Pain and Suffering $600.00)

7/84-361 - A male, 17 years of age, was beaten and suffered a fractured nose which required surgery. The assailant was convicted of an offence contrary to Section 245 of the Criminal Code and was sentenced to three months imprisonment. Total award $945.00 (Pain and Suffering $800.00)

8/84-364 - A female, 18 years of age, was sexually assaulted and suffered emotional trauma. The assailant was not apprehended as the incident took place in a dark parking lot and the applicant believed the assailant was wearing a mask. Total award $3,088.10 (Pain and Suffering $3,000.00)

8/84-378 - An employed male, 24 years of age, was beaten and suffered loss of wages, head and neck lacerations, bruising to the facial area, tenderness over the upper back, and lower mandible, bruises over the right ribcage, posteriorly over the right and left scapula, bruises over the thoracic spine, right leg and left forearm. The assailant was convicted of an offence contrary to Section 245.1(1)(b) of the Criminal Code and sentenced to six months imprisonment. Total award $1,538.00 (Pain and Suffering $600.00)

10/84-385 - A male, taxi driver, 25 years of age, was beaten with the intention to rob and suffered as a result of being kicked in the stomach. He also suffered loss of wages. The assailants were not apprehended. Total award $800.00 (Pain and Suffering $450.00)

SUMMARY OF DISALLOWED APPLICATIONS

01/82-31 - A male, 22 years of age, claimed to have been beaten and suffered from a fractured jaw and ankle. The assailant was charged and acquitted of any criminal offences. The Board requested further information from the applicant who declined to cooperate and no order for compensation was made. The Board did order payment of $15. for a medical report.

8/82-102 - The applicant, a woman, was stabbed twice in the chest and once in the hand. She underwent a life-threatening situation. The assailants were convicted of attempted murder and sentenced to imprisonment for five years. The applicant admitted that she had been "high" and was feeling pretty good. She had had seven or eight draft beer, three or four hash oil joints and a whiskey. She had, to some extent, pursued her assailants unreasonably and the Board held that she was most imprudent in her conduct and that she would not have been involved in the altercation and subsequent injury had she not rendered herself incapable of rational conduct by using alcohol and drugs. The Board considered the conduct of the applicant to be of such serious nature as to disentitle her to any award.

1/83-171 - A male, 26 years of age, was involved in an altercation with a waiter at a tavern. The assailant was charged of an offence contrary to Section 245.3 of the Criminal Code but was acquitted. Because the assailant was acquitted of the charge, the Board made no order for compensation. However, it did make an order for payment of $75. for the provision of medical information.

3/83-196 - A male, 24 years of age, claimed he was thrown from a building and suffered a fractured mandible, three fractured ribs, fractured hip, pelvis, internal contusions of his lungs, and severe brain syndrome. The applicant stated that he could only remember being on the street and waking up in the hospital two weeks later. The assailant was not apprehended. Since the applicant failed to reply to the Board's correspondence, no order for compensation was made. However, the Board ordered payment in the amount of $50. for the provision of medical information.

4/83-201 - A male was beaten and suffered injuries consisting of a broken nose and bruising. The applicant was intoxicated and had been placed in the cell area of a police department but was unable to recall receiving these injuries. No charge was laid and the applicant did not respond to correspondence requesting action by him from the Board. No order for compensation was made.

5/83-214 - A male, 24 years of age, was placed in a police lock-up and claimed he had been beaten by the police. He suffered injuries to the facial area. There followed an inquiry under the Police Act and an RCMP investigation; but because of insufficient evidence, no criminal charges were laid. Since there was no conviction, the Board dismissed the application; and no order for compensation was granted.

5/83-218 - A female, 40 years of age, was involved in an altercation in which she received a broken wrist. The assailant was charged and convicted of an offence contrary

to Section 245.1(1)(b) of the Criminal Code and was sentenced to 90 days intermittant imprisonment. Although a hearing was held, the applicant later requested that the matter be dismissed; therefore, no order for payment of compensation was made by the Board. However, the Board ordered payment to the accused person's solicitor who contributed in the clarification of the matter.

5/83-223 - An employed female, 28 years of age, was involved in an altercation and suffered injury to her left shoulder. The assailant was charged with assault contrary to Section 245.1(1)(b) of the Criminal Code and was acquitted. It was the opinion of the Board that this was not an appropriate matter for the payment of compensation.

5/83-225 - An employed male, 41 years of age, was involved in an altercation. The applicant complained of two black eyes, sore ribs, pinched nerves and facial paralysis. No medical evidence or record of earnings was provided. The applicant claimed that he was unable to work for a month. No charges were laid against the assailant. The Board found that loss of employment amounted to $200. and pain and suffering to $200. These amounts were reduced 50% pursuant to Section 25 as it was the opinion of the Board that the applicant had contributed to his own misfortune. No payment for compensation was made as the final amount did not exceed the minimum allowed.

3/83-226 - A married female, 43 years of age, was involved in an altercation which involved her husband and another male. No medical evidence was provided on her behalf, and it was the opinion of the Board that her injuries were not in excess of the $250. minimum. No award for compensation was granted.

6/83-241 - A female exchange student from Winnipeg, 16 years of age, was involved in a drunken party; and as a result, a male was charged and convicted of an offence contrary to Section 157 of the Criminal Code and sentenced to 60 days imprisonment. After reviewing the evidence, the Board found that there was very slight injury, no evidence of sexual intercourse, although the applicant contacted venereal disease, and no violence involved. It was the opinion of the Board that any tension or depression experienced by the applicant may not have soley arisen from the criminal offence. The applicant was advised to appear for a hearing and that the parents of the applicant should consider retaining Nova Scotia counsel. The Board received no further answer to this letter, and therefore made no order for compensation.

9/83-266 - A male, 64 years of age, claimed to have been pushed into a ditch by a female assailant. It was reported that he suffered injury to his left chest wall. However, the applicant did not lay charges against his assailant. Since no charges were laid, the Board did not consider this a proper matter to award compensation.

9/83-271 - A female applicant applied to the Board as a dependant of her mother who had been murdered. The applicant, her children, her common-law husband, and her mother had resided together and jointly contributed to the upkeep of the home. After reviewing the evidence, the Board determined that the applicant had sufficient monies to maintain the home and was not dependant on the mother for support; therefore, no payment for compensation was made.

11/83-284 - A male applicant, 26 years of age, claimed to have been beaten while in a drunken state by a person who shared the same cell area in a jail. The applicant suffered a fractured nose, and dental damage. The alledged assailant was charged with an offence contrary to Section 245(1(b) of the Criminal Code, but was acquitted of the charge by a Judge of the Provincial Court. Because of lack of acceptable evidence, the Board made no order for compensation.

11/83-287 - A male, 41 years of age, was stabbed and suffered a wound which healed in a short period. He also claimed loss of wages. His assailant was charged with an offence contrary to Section 245(1)(1)(b) of the Criminal Code and convicted, but the sentence was suspended, and the accused was placed on probation for three years. Because of the unsatisfactory and inconsistent evidence presented to it, the Board felt this an improper matter for the payment of compensation.

1/84-297 - A female babysitter, 16 years of age, was sexually assaulted and suffered emotional trauma. The assailant was charged with sexual assault with a weapon, an offence contrary to Section 246.2 of the Criminal Code, but was acquitted by a court composed of Judge and Jury. The Board had no jurisdiction to make an order for compensation. It did, however, make an order for payment for the provision of a medical report.

1/84-302 - A male, 25 years of age, claimed to have been beaten in a drinking establishment and suffered a broken nose as a result of the altercation. No record of the incident was reported to the Police Department, and the applicant did not respond to correspond-

ence requesting further information. Therefore, the Board made no order for the payment of compensation.

5/84-337 - An unemployed male, 45 years of age, applied to the Board as a result of an incident where two men were charged with committing mischief. No evidence of an offence was noted as defined in the schedule to the Statute, and no order for compensation was made.

5/84-338 - A male, 34 years of age, applied to the Board as a result of an altercation involving his wife, children, and a third-party assailant. Compensation was granted in his wife's case as the Board considered that she suffered to a much greater degree than he. If the Board were to make an award, it would have to consider that the applicant contributed to his own misfortune, and therefore made no order for compensation in this matter.